



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Richard J. Whitbourne et al

: GROUP ART UNIT: 1615

SERIAL NO.: 09/834,307

DEC 3 0 2002

FILING DATE: April 12, 2001

: EXAMINER: R. Bennett

TITLE: TARGETED THERAPEUTIC AGENT
RELEASE DEVICES AND METHODS
OF MAKING AND USING THE SAME

: ATTY. DKT.: P-1663-1

1615
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m.m.
1/28/03

RESPONSE TO OFFICE ACTION

Commissioner For Patents
Washington, D.C. 20231

December 16, 2002

Dear Sir:

This paper is responsive to the office action mailed June 17, 2002 in the captioned application. Enclosed herewith, in a separate paper, is a petition for an extension of time to December 17, 2002 for reply to the office action.

AMENDMENTS

In the Claims

Amend claims 1-7, 9 and 12-14, and add new claims 18-22 as follows. Enclosed herewith, in a separate paper, is a version of each amended claim marked up to show the changes entered by the following amendments.

1. (once amended) A medicated device comprising:
a scaffold member suitable for implantation in a patient's body; and
a polymeric coating on the scaffold member, the polymeric coating containing at least one therapeutic agent.

2. (once amended) The device of claim 1 comprising an anti-cancer therapeutic agent in the polymeric coating.

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Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	09/834,307
		Filing Date	04/12/2001
		First Named Inventor	Richard J. Whitbourne
		Group Art Unit	1615
		Examiner Name	Rachel M. Bennett
Total Number of Pages in This Submission		Attorney Docket Number	P-1663-1

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Postcard
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

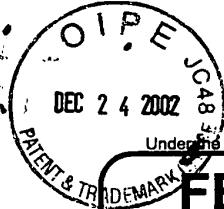
Firm or Individual name	Frederick A. Spaeth
Signature	
Date	DEC 13, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

Typed or printed name	Constance M. Pursell
Signature	
Date	December 16, 2002

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FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 586.00)

Complete if Known

Application Number	09/834,307
Filing Date	04/12/2001
First Named Inventor	Richard J. Whitemore
Examiner Name	Rachel M. Bennett
Art Unit	1615
Attorney Docket No.	P-1663-1

METHOD OF PAYMENT (check all that apply)

 Check Credit card Money Order Other None
 Deposit Account:Deposit Account Number
Deposit Account Name

12-1302

Libert & Associates

The Commissioner is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Fee Code (\$)	Fee	Small Entity	Fee Code (\$)	Fee	Fee Description	Fee Paid
	1001	740		2001	370	Utility filing fee	
	1002	330		2002	165	Design filing fee	
	1003	510		2003	255	Plant filing fee	
	1004	740		2004	370	Reissue filing fee	
	1005	160		2005	80	Provisional filing fee	
SUBTOTAL (1)		(\$ 0-					

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	43	-20** =	14	x	9	=	126
Independent Claims	2	- 3** =	0	x		=	-0-
Multiple Dependent						=	-0-

Large Entity	Fee Code (\$)	Fee	Small Entity	Fee Code (\$)	Fee	Fee Description	Fee Paid
	1202	18		2202	9	Claims in excess of 20	
	1201	84		2201	42	Independent claims in excess of 3	
	1203	280		2203	140	Multiple dependent claim, if not paid	
	1204	84		2204	42	** Reissue independent claims over original patent	
	1205	18		2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)		(\$ 126.00					

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee	Fee Code (\$)	Fee	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	400	2252	200	Extension for reply within second month	460.00
1253	920	2253	460	Extension for reply within third month	
1254	1,440	2254	720	Extension for reply within fourth month	
1255	1,960	2255	980	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,280	2453	640	Petition to revive - unintentional	
1501	1,280	2501	640	Utility issue fee (or reissue)	
1502	460	2502	230	Design issue fee	
1503	620	2503	310	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	740	2809	370	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	740	2810	370	For each additional invention to be examined (37 CFR 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 460.00

SUBMITTED BY		(Complete if applicable)		
Name (Print/Type)	Frederick A. Spaeth	Registration No. (Attorney/Agent)	33,793	Telephone (860) 651-9321
Signature	<i>Frederick A. Spaeth</i>	Date	DEC 13 2002	

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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